

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 33, 35 and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 33, it is generally unclear what is meant by the recitation "comprised of the flexible objects, during said advance of the flexible objects over the surface of the guide, being continuously rotated from the orientations of the flexible objects in said obliquely standing positions and inclined in an opposite orientation when initially fed along the guide path". Moreover, this recitation in claim 33 appears to be inaccurate, in that the flexible objects appear to be rotated "to" the orientations of the flexible objects in the obliquely standing positions, rather than "from" the orientations of the flexible objects in said obliquely standing positions, as presently claimed. See, e.g., the erecting step in claim 32.

Regarding claim 37, it is unclear what is meant by the recitation "comprised of contributing to said erecting of said flexible object **rotation** by sequentially urging upper edges of the flexible objects in a direction of said advance". (emphasis added). Also, it is noted that "flexible object" in claim 37 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

Regarding claim 38, it is unclear what is meant by the recitation “comprised of contributing to said erecting of said flexible object **rotation** by individually regulating movement of a plurality of conveyors disposed along said guide to movingly engage the lower edges”. (emphasis added). Also, it is noted that “flexible object” in claim 38 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

Regarding claim 39, it is unclear what is meant by “comprised of contributing to said erecting of said flexible object **rotation** by terminating said guide with an abutment oriented outwardly from said guide in a direction of said advance”. (emphasis added). Also, it is noted that “flexible object” in claim 37 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

Election/Restrictions

2. This application is in condition for allowance except for the above-noted rejections of claim 33, 35 and 37-39 under 35 U.S.C. 112, second paragraph, and the presence of claims 48-62 directed to an invention non-elected with traverse in the reply filed on 2/27/2006. Applicant should cancel the noted claims 48-62 or take other appropriate action (37 CFR 1.144).

Allowable Subject Matter

3. Claims 32, 34 and 36 are allowed. Claims 33, 35 and 37-39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
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10/6/09